

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:15-CV-451-BO

HENRY LEE MCCOLLUM and LEON BROWN,)
)

Plaintiffs,)

v.)

ORDER


ROBESON COUNTY, TOWN OF RED SPRINGS, KENNETH SEALEY, both)
)
individually and in his official capacity)
as Sheriff of Robeson County, KENNETH)
SNEAD, JOEL GARTH LOCKLEAR,)
LARRY FLOYD, LEROY ALLEN,)
ESTATE OF LUTHER HAGGINS,)
GERALDINE BRITT HAGGINS, as)
administratrix/executrix of the Estate of)
Luther Haggins,)
Defendants.)

This matter comes before the Court on defendant Geraldine Britt Haggins's motion to dismiss the complaint against the "Estate of Luther Haggins" and "Geraldine Britt Haggins as administratrix/executrix of the Estate of Luther Haggins." [DE 30].

Plaintiffs have responded admitting that these defendants were named in error, as there was no estate of Luther Haggins at the time the complaint was filed. Plaintiffs have since contacted the appropriate sources to open an estate for Luther Haggins, and a Paul T. Canady, II, was appointed Administrator CTA of the Estate in December 2015. Plaintiffs informed the Court they would file an amended complaint naming Mr. Canady as the real party in interest but have not yet done so. Plaintiffs also requested that the Court refrain from ruling on Ms. Haggins's status until the estate is resolved in state court, as she was named executor of Mr. Haggins's estate by his will.

Accordingly, defendant's motion is presently DENIED WITHOUT PREJUDICE. [DE 30]. Plaintiffs are DIRECTED to file an amended complaint within ten (10) days of the date this Order is entered on the docket.

SO ORDERED, this 16 day of March, 2016.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE